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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CALISTA ENTERPRISES LTD, a
Republic of Seychelles Company,

Plaintiff,

vs.

TENZA TRADING LTD., a Cyprus
Company,

Defendant.

Case No. 3:13-cv-01045-SI

DEFENDANT AND COUNTERCLAIMANT
TENZA'S RESPONSE TO COURT ORDER
OF JUNE 13, 2014

TENZA TRADING LTD., a Cyprus
Company,

Counterclaim Plaintiff,

v.

CALISTA ENTERPRISES LTD., a
Republic of Seychelles Company; and
ALEXANDER ZHUKOV,
a Czechoslovakian citizen,

Counterclaim Defendants.

I. Introduction

This Court has requested that Tenza provide citation to legal authority supporting Tenza's assertion that, "It is settled law in this Circuit that the alter-ego of a corporate entity is deemed served when the corporate entity is served." Tenza provides the authority cited herein, and attaches the full cases as an appendix hereto.

II. Authority for the Proposition that it is Settled Law in this Circuit that the Alter-ego of a Corporate Entity is Deemed Served When the Corporate Entity is Served

The short decision in *Certified Bldg. Products, Inc. v. N.L.R.B.*, 528 F.2d 968, 969 (9th Cir. 1976) addressed, solely, the question of whether *in personam* jurisdiction was obtained over a respondent to a National Labor Relations Board proceeding. In *Certified*, Mr. Fidler was alleged to be the alter ego of his corporation, Certified Building Products. The Ninth Circuit held: "The record supports the Board's finding that the corporation is Fidler's alter ego. Accordingly, in a board proceeding of this kind, service upon the corporation is the equivalent of service upon the individual." *Id.* That the Ninth Circuit holding was not limited to NLRB proceedings is confirmed by the US district courts that have construed the opinion. *See, e.g., Global, Inc. v. Fax87.Com*, CV 13-05353 DDP AJWX, 2014 WL 462832 (C.D. Cal. Feb. 5, 2014) ("j2 additionally argues that Fani was properly served because service was executed

properly on MJF, which j2 contends is Fani's alter ego. Service on a defendant's alter ego may constitute service on defendant himself."), citing *Certified Bldg. Prods. Ins. v. N.L.R.B.*, 528 F.2d 968, 969 (9th Cir. 1976). The following are examples of cases that, though citing *Certified Bldg. Products* with respect to personal jurisdiction, also recognize that the case applies to federal court cases and is not, in any way, limited to the NLRB: *Goldman v. Seawind Grp. Holdings Pty Ltd.*, CV 13-01759 SI, 2013 WL 4647492 (N.D. Cal. Aug. 29, 2013) ("If a corporation is the alter ego of an individual defendant, or one corporation is the alter ego of another, a court may "pierce the corporate veil" and attribute the "contacts" of the corporation to the individual. *Certified Building Products, Inc. v. NLRB*, 528 F.2d 968, 969 (9th Cir.1976)"); *Peak Performance Nutrition v. MediaPower, Inc.*, CV09-4933 AG (SHX), 2010 WL 2384412 (C.D. Cal. June 7, 2010) ("But if a corporation is the alter ego of an individual, courts may "pierce the corporate veil" and attribute contacts of the corporation to the individual. *Certified Bldg. Prods., Inc. v. N.L.R.B.*, 528 F.2d 968, 969 (9th Cir. 1976)"); *RAE Sys., Inc. v. TSA Sys., Ltd.*, C 04-2030 FMS, 2005 WL 1513124 (N.D. Cal. June 24, 2005) (Under the federal law governing the exercise of personal jurisdiction, if a corporation is the alter ego of an individual defendant, or one corporation the alter ego of another, the Court may "pierce the corporate veil" jurisdictionally and attribute "contacts" accordingly. *Certified Building Products, Inc. v. NLRB*, 528 F.2d 968, 969 (9th Cir.1975)"); *Perrotta v. Roadway Global Air*, C-96-20281 SW, 1996 WL 723031 (N.D. Cal. Dec. 9, 1996) ("If a corporation is the alter ego of an individual defendant, or one corporation the alter ego of another, courts may then "pierce the corporate veil" jurisdictionally and attribute "contacts" accordingly. *Certified Building Products, Inc. v. NLRB*, 528 F.2d 968, 969 (9th Cir. 1976)."); *Hoag v. Sweetwater Int'l*, 857 F. Supp. 1420, 1426 (D. Nev. 1994) ("However, the corporate form may be ignored, and jurisdiction over the individual

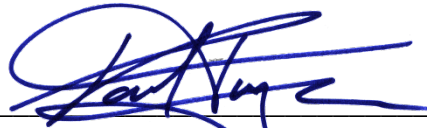
officer allowed, in cases in which the corporation is the agent or alter ego of the defendant.

Certified Bldg. Prods., Inc. v. National Labor Relations Bd., 528 F.2d 968 (9th Cir. 1976).”).

Moreover, Shepardizing *Certified Bldg. Prods.* revealed no cases either criticizing the case, or suggesting that its holding is limited to NLRB proceedings. As such, Tenza respectfully submits that *Certified Bldg. Prods.* states the settled law of the Ninth Circuit, i.e. the alter-ego of a corporate entity is deemed served when the corporate entity is served.

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Respectfully submitted,



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